

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

GREGORY DAUGHERTY, )  
Plaintiff, )  
v. )  
JO ANNE B. BARNHART, ) No.: 3:05-CV-194  
Commissioner of Social Security, ) (VARLAN/GUYTON)  
Defendant. )

## ORDER

This Social Security appeal is before the Court for consideration of the Report and Recommendation entered by United States Magistrate Judge H. Bruce Guyton on May 31, 2006 [Doc. 23]. There have been no timely objections to the Report and Recommendation, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Magistrate Judge Guyton found that the Administrative Law Judge's decision that plaintiff is not disabled is supported by substantial evidence in the record as a whole and recommended that plaintiff's motion for summary judgment [Doc. 14] be denied and that defendant Commissioner's motion for summary judgment [Doc. 21] be granted.

The Court has carefully reviewed this matter, including the underlying pleadings. *See* Docs. 14, 15, 21, 22. The Court is in agreement with Magistrate Judge Guyton's recommendation, which the Court hereby adopts and incorporates into its ruling.

Accordingly, plaintiff's motion to remand [Doc. 14] is **DENIED**, and defendant's motion for summary judgment [Doc. 21] is **GRANTED**. The Court **ACCEPTS IN WHOLE** the Report and Recommendation and this case is hereby **DISMISSED**.

IT IS SO ORDERED.

s/ Thomas A. Varlan

UNITED STATES DISTRICT JUDGE